

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Mark A. Reiley

Serial Number: 10/657,866

Filing Date: September 9, 2003

Title: METHOD FOR REPLACING A  
NATURAL FACET JOINT WITH A  
PROSTHESIS HAVING AN ARTIFICIAL  
FACET JOINT STRUCTURE

Group Art Unit: 3738

Examiner: David J. Isabella

CONFIRMATION NO: 2080

ELECTRONICALLY FILED ON: February 15, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request(s) that the Examiner initial and return the attached form(s) PTO/SB/08A in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;  
-- OR --
  - ☐ (3) It is being filed before the mailing of a first Office action on the merits;  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(e) provided concurrently herewith;  
-- OR --
  - ☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(e);  
-- AND --
  - ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ 37 CFR §1.97(e). Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);  
-- AND/OR --
  - ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);  
-- AND/OR --
  - ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.

– OR –

- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.

-- AND/OR --

- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

- ☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

- ☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

- ☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

EP 1103226 was published in German. The English language abstracts and the drawings are sufficient to convey the scope of its disclosure.

FR 2726459, FR 2749155, FR 2844180, WO 01/06939 A1, WO 01/28442 A1, WO 02/071960 A1 and WO 03/041618 A2 were published in French. The English language abstracts and the drawings are sufficient to convey the scope of their disclosure.

WO 02/02024 A1 was published in Spanish. The English language abstracts and the drawings are sufficient to convey the scope of its disclosure.

Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicant(s) will endeavor to provide such translations at the Examiner's request.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

- ☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND


- ☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-701.402).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: February 15, 2006 \_\_\_\_\_

By:   
Cecily Anne O'Regan, Reg. No. 37,448

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Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>			
		Application Number	10/657,866		
		Filing Date	September 9, 2003		
		First Named Inventor	Mark A. Reiley		
		Art Unit	3738		
		Examiner Name	David J. Isabella		
Sheet	1	Of	10	Attorney Docket Number	29914-701.402

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	129.	US 2002/0013585 A1	01-31-2002	Gourmay et al.	
	130.	US 2002/0013588 A1	01-31-2002	Landry et al.	
	131.	US 2002/0042613 A1	04-11-2002	Mata	
	132.	US 2002/0049446 A1	04-25-2002	Harkey, III et al.	
	133.	US 2002/0065557 A1	05-30-2002	Goble et al.	
	134.	US 2002/0082601 A1	06-27-2002	Toyoma et al.	
	135.	US 2002/0120272 A1	08-29-2002	Yuan et al.	
	136.	US 2002/0123806 A1	09-05-2002	Reiley	
	137.	US 2003/0040797 A1	02-27-2003	Fallin et al.	
	138.	US 2003/0125740 A1	07-03-2003	Khanna	
	139.	US 2003/0181914 A1	09-25-2003	Johnson et al.	
	140.	US 2003/0191532 A1	10-09-2003	Goble et al.	
	141.	US 2003/0204259 A1	10-30-2003	Goble et al.	
	142.	US 2004/0006391 A1	01-08-2004	Reiley	
	143.	US 2004/0049272 A1	03-11-2004	Reiley	
	144.	US 2004/0049273 A1	03-11-2004	Reiley	
	145.	US 2004/0049274 A1	03-11-2004	Reiley	
	146.	US 2004/0049275 A1	03-11-2004	Reiley	
	147.	US 2004/0049276 A1	03-11-2004	Reiley	
	148.	US 2004/0049277 A1	03-11-2004	Reiley	
	149.	US 2004/0049278 A1	03-11-2004	Reiley	
	150.	US 2004/0049281 A1	03-11-2004	Reiley	
	151.	US 2004/0230201 A1	11-18-2004	Yuan et al.	
	152.	US 2004/0230304 A1	11-18-2004	Yuan et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with most communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov/patents/patent/patent.htm](http://www.uspto.gov/patents/patent/patent.htm) or MPEP 901.04. \*Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \*Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. \*Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0199 (1-800-756-0199) and select option 2.

Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE                  STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>			
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Sheet	2	Of	10	Attorney Docket Number	29914-701.402

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	153.	US 2005/0010291 A1	01-13-2005	Stinson et al.	
	154.	US 2005/0015146 A1	01-20-2005	Louis et al.	
	155.	US 2005/0027361 A1	02-03-2005	Reiley	
	156.	US 2005/0043799 A1	02-24-2005	Reiley	
	157.	US 2005/0080428 A1	04-14-2005	White	
	158.	US 2005/0085912 A1	04-21-2005	Armin et al.	
	159.	US 2005/0102028 A1	05-12-2005	Armin et al.	
	160.	US 2005/0119748 A1	06-02-2005	Reiley et al.	
	161.	US 2005/0131406 A1	06-16-2005	Reiley et al.	
	162.	US 2005/0137705 A1	06-23-2005	Reiley	
	163.	US 2005/0137706 A1	06-23-2005	Reiley	
	164.	US 2005/0143818 A1	06-30-2005	Yuan et al.	
	165.	US 2005/0149190 A1	07-07-2005	Reiley	
	166.	US 2005/0177240 A1	08-11-2005	Blain	
	167.	US 2005/0187560 A1	08-25-2005	Dietzel et al.	
	168.	US 2005/0192589 A1	09-01-2005	Raymond et al.	
	169.	US 2005/0234552 A1	10-20-2005	Reiley	
	170.	US 2005/0235508 A1	10-27-2005	Augustino et al.	
	171.	US 2005/0240264 A1	10-27-2005	Tokish, JR. et al.	
	172.	US 2005/0240265 A1	10-27-2005	Kuiper et al.	
	173.	US 2005/0240266 A1	10-27-2005	Kuiper et al.	
	174.	US 2005/0251256 A1	11-10-2005	Reiley	
	175.	US 2005/0261770 A1	11-24-2005	Kuiper et al.	
	176.	US 2005/0267579 A1	12-01-2005	Reiley et al.	

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				First Named Inventor	Mark A. Reiley
				Art Unit	3738
				Examiner Name	David J. Isabella
Sheet	3	Of	10	Attorney Docket Number	29914-701.402

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	177.	US 2005/0283238 A1	12-22-2005	Reiley		
	178.	US 4,040,130	08-09-1977	Laure		
	179.	US 4,156,296	05-29-1979	Johnson et al.		
	180.	US 4,210,317	07-01-1980	Spann et al.		
	181.	US 4,231,121	11-04-1980	Lewis		
	182.	US 4,394,370	07-19-1983	Jefferies		
	183.	US 4,472,840	09-25-1984	Jefferies		
	184.	US 4,611,581	09-16-1986	Steffee		
	185.	US 4,805,602	02-21-1989	Puno et al.		
	186.	US 5,000,165	03-19-1991	Watanabe		
	187.	US 5,015,255	05-14-1991	Kuslich		
	188.	US 5,019,081	05-28-1991	Watanabe		
	189.	US 5,062,845	11-05-1991	Kuslich et al.		
	190.	US 5,129,900	07-14-1992	Asher et al.		
	191.	US 5,284,655	02-08-1994	Bogdansky et al.		
	192.	US 5,300,073	04-05-1994	Ray et al.		
	193.	US 5,312,409	05-17-1994	McLaughlin et al.		
	194.	US 5,314,476	05-24-1994	Prewett et al.		
	195.	US 5,350,380	09-27-1994	Goble et al.		
	196.	US 5,405,390	04-11-1995	O'Leary et al.		
	197.	US 5,445,639	08-29-1995	Kuslich et al.		
	198.	US 5,458,641	10-17-1995	Ramirez Jimenez		
	199.	US 5,474,555	12-12-1995	Puno et al.		
	200.	US 5,491,882	02-20-1996	Walston et al.		

Examiner Signature	Date Considered
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	201.	US 5,507,823	04-16-1996	Walston et al.		
	202.	US 5,510,396	04-23-1996	Prewett et al.		
	203.	US 5,569,247	10-29-1996	Morrison		
	204.	US 5,571,191	11-05-1996	Fitz		
	205.	US 5,575,792	11-19-1996	Errico et al.		
	206.	US 5,577,995	11-26-1996	Walker et al.		
	207.	US 5,603,713	02-18-1997	Aust et al.		
	208.	US 5,643,263	07-01-1997	Simonson		
	209.	US 5,649,930	07-22-1997	Kertzner		
	210.	US 5,662,651	09-02-1997	Tornier et al.		
	211.	US 5,683,391	11-04-1997	Boyd		
	212.	US 5,683,392	11-04-1997	Richelsoff et al.		
	213.	US 5,688,274	11-18-1997	Errico et al.		
	214.	US 5,690,630	11-25-1997	Errico et al.		
	215.	US 5,704,941	01-06-1998	Jacobson et al.		
	216.	US 5,725,527	03-10-1998	Biedermann et al.		
	217.	US 5,738,585	04-14-1998	Hoyt, III et al.		
	218.	US 5,741,255	04-21-1998	Krag et al.		
	219.	US 5,741,261	04-21-1998	Moskovitz et al.		
	220.	US 5,766,253	06-16-1998	Brosnahan, III		
	221.	US 5,782,833	07-21-1998	Haider		
	222.	US 5,797,911	08-25-1998	Sherman et al.		
	223.	US 5,800,433	09-01-1998	Benzel et al.		
	224.	US 5,827,289	10-27-1998	Reiley et al.		

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	225.	US 5,863,293	01-26-1999	Richelsoff	
	226.	US 5,866,113	02-02-1999	Hoensbroek et al.	
	227.	US 5,879,350	03-09-1999	Sherman et al.	
	228.	US 5,879,396	03-09-1999	Walston et al.	
	229.	US 5,885,285	03-23-1999	Simonson	
	230.	US 5,891,145	04-06-1999	Morrison et al.	
	231.	US 5,947,893	09-07-1999	Agrawal et al.	
	232.	US 5,964,760	10-12-1999	Richelsoff	
	233.	US 6,010,503	01-04-2000	Richelsoff et al.	
	234.	US 6,019,759	02-01-2000	Rogozinski	
	235.	US 6,022,350	02-08-2000	Ganem	
	236.	US 6,074,391	06-13-2000	Metz-Stavenhagen et al.	
	237.	US 6,077,262	06-20-2000	Schlöpfer et al.	
	238.	US 6,086,590	07-11-2000	Margulies et al.	
	239.	US 6,090,111	07-18-2000	Nichols	
	240.	US 6,132,430	10-17-2000	Wagner	
	241.	US 6,132,464	10-17-2000	Martin	
	242.	US 6,190,388 B1	02-20-2001	Michelson et al.	
	243.	US 6,200,322 B1	03-13-2001	Branch et al.	
	244.	US 6,231,575 B1	05-15-2001	Krag	
	245.	US 6,248,105 B1	06-19-2001	Schlöpfer et al.	
	246.	US 6,280,443 B1	08-28-2001	Gu et al.	
	247.	US 6,290,703 B1	09-18-2001	Ganem	
	248.	US 6,309,391 B1	10-30-2001	Crandall et al.	

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				First Named Inventor	Mark A. Reiley	
				Art Unit	3738	
				Examiner Name	David J. Isabella	
Sheet	6	Of	10	Attorney Docket Number		29914-701.402

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	249.	US 6,340,361 B1	01-22-2002	Kraus et al.		
	250.	US 6,340,477 B1	01-22-2002	Anderson		
	251.	US 6,342,054 B1	01-29-2002	Mata		
	252.	US 6,368,320 B1	04-09-2002	Le Couedic et al.		
	253.	US 6,451,021 B1	09-17-2002	Ralph et al.		
	254.	US 6,471,705 B1	10-29-2002	Biedermann et al.		
	255.	US 6,514,253 B1	02-04-2003	Yao		
	256.	US 6,520,963 B1	02-18-2003	McKinley		
	257.	US 6,524,315 B1	02-25-2003	Scvitelli et al.		
	258.	US 6,540,749 B2	04-01-2003	Schäfer et al.		
	259.	US 6,547,790 B2	04-15-2003	Harkney, III et al.		
	260.	US 6,554,843 B1	04-29-2003	Ou		
	261.	US 6,565,565 B1	05-20-2003	Yuan et al.		
	262.	US 6,572,617 B1	06-03-2003	Senegas		
	263.	US 6,585,769 B1	07-01-2003	Muhanna et al.		
	264.	US 6,638,321 B1	10-28-2003	Genet et al.		
	265.	US 6,712,849 B2	03-30-2004	Re et al.		
	266.	US 6,749,361 B2	06-15-2004	Hermann et al.		
	267.	US 6,770,095 B2	08-03-2004	Grinberg et al.		
	268.	US 6,793,678 B2	09-21-2004	Hawkins		
	269.	US 6,811,567 B2	11-02-2004	Reiley		
	270.	US 6,902,580 B2	06-07-2005	Fallin et al.		
	271.	US 6,949,123	09-27-2005	Reiley		
	272.	US RE 36,758	06-27-2000	Fitz		

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				First Named Inventor	Mark A. Reiley	
				Art Unit	3738	
Examiner Name	David J. Isabella					
Sheet	7	Of	10	Attorney Docket Number	29914-701.402	

FOREIGN PATENT DOCUMENTS							
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	273.	EP 1103226 (in German with English Abstract)	05-30-2001	Schaefer, Bernd			
	274.	EP 1205152 A1	05-15-2002	Lafitt, S.A.			
	275.	EP 1254639 A1	11-06-2002	Industrias Quirquicias De Levante, S.L.			
	276.	FR 2726459 (in French with English Abstract)	05-10-1996	Desauge Jean Pierre			
	277.	FR 2749155 (in French with English Abstract)	12-05-1997	Albert P. Alby			
	278.	FR 2844180 (in French with English Abstract)	03-12-2004	Spinevision			
	279.	WO 01/06939 A1 (in French) with English Abstract)	02-01-2001	Eurosurgical			
	280.	WO 01/15638 A1	03-08-2001	Cauthon Research Group, Inc.			
	281.	WO 01/28442 A1 (in French) with English Abstract)	04-26-2001	Spine Next			
	282.	WO 01/67972 A2	09-20-2001	SDGI Holdings, Inc.			
	283.	WO 02/00270 A1	01-03-2002	Victrex Manufacturing Ltd.			
	284.	WO 02/00275 A1	01-03-2002	Victrex Manufacturing Ltd.			
	285.	WO 02/02024 A1 (in Spanish) with English Abstract)	01-10-2002	Surgival Co., S.A.			
	286.	WO 02/02158 A1	01-10-2002	Victrex Manufacturing Ltd.			
	287.	WO 02/071960 A1 (in French) with English Abstract)	09-19-2002	Spine Next			
	288.	WO 02/34150 A2	05-02-2002	SDGI Holdings, Inc.			
	289.	WO 03/041618 A2 (in French)	05-22-2003	Louis et al.			

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		with English Abstract)				
	290.	WO 03/075805 A1	09-18-2003	Chin		
	291.	WO 2004/103228 A1	12-02-2004	Archus Orthopedics, Inc.		
	292.	WO 2005/009301 A1	02-03-2005	Archus Orthopedics, Inc.		

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Sheet	9	Of	10	Attorney Docket Number	29914-701.402

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>6</sup>
	293.	ABRAHAM, D.J. et al. Indications And Trends In Use In Cervical Spinal Fusions. <i>Orthop Clin North Am.</i> October 1998; 29(4):731-44.		
	294.	EICHHOLZ, K.M. et al. Complications of Revision Spinal Surgery, Neurosurg Focus; (September 15, 2003), 15(3): pp. 1-4		
	295.	FARFAN, H.F. Effects Of Torsion On The Intervertebral Joints. <i>The Canadian Journal of Surgery</i> July 1969; 12(3):336-41.		
	296.	FARFAN, H.F. et al. The Relation Of Facet Orientation To Intervertebral Disc Failure. <i>The Canadian Journal of Surgery</i> April 1967; 10(2):179-85.		
	297.	FARFAN, H.F. The Pathological Anatomy Of Degenerative Spondylolisthesis. A Cadaver Study. <i>Spine.</i> 1980 Sep-Oct; 5(5):412-8.		
	298.	FOSBINDER, R.A. et al. Essentials of Radiologic Science. The McGraw-Hill Companies; 2002.		
	299.	GUYER R. et al. Implant: Motion Preservation through Total Posterior-Element Replacement. May 7, 2004 Presentation held at Hofburg Center, Vienna, Austria, (2 pages).		
	300.	KIRKALDY-WILLIS, W.H. et al. Pathology And Pathogenesis Of Lumbar Spondylosis And Stenosis. <i>Spine.</i> Dec. 1978; 3(4):319-28.		
	301.	KULKARNI, et al. Accelerated Spondylotic Changes Adjacent to the Fused Segment Following Central Cervical Corpectomy: Magnetic Resonance Imaging Study Evidence. <i>J. Neurosurg (Spine 1).</i> 2004; 100: 2-6.		
	302.	LAM, K. N., et al. X-ray Diagnosis: A Physician's Approach. Springer-Verlag; 1998.		

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	303.	LOMBARDI, J.S. et al. Treatment Of Degenerative Spondylolisthesis. <i>Spine</i> . 1985; 10(9): 821-7.			
	304.	MCMILLIN, C. R. et al. Artificial Spinal Discs with up to Five Years Follow-up. 20 <sup>th</sup> Annual Meeting of the Society for Biomaterials (Abstract) 1994; Page 89.			
	305.	POSNER, I. et al. A Biomechanical Analysis of the Clinical Stability of the Lumbar and Lumbosacral Spine. <i>Spine</i> . 1982; 7(4): 374-389.			
	306.	ROSENBERG, N.J. Degenerative Spondylolisthesis. Predisposing Factors. <i>The Journal of Bone and Joint Surgery</i> . 1975; 57-A(4): 467-74.			
	307.	SACHER, R., Implant Brochure for presentation at MedTech Insight Conference (October 31, 2003) Boston, MA. pp. 93-94.			
	308.	SLONE, R. M. et al. Body CT: A Practical Approach. The McGraw-Hill Companies; 1999.			
	309.	STOUT, G. H. et al. X-Ray Structure Determination: A Practical Guide. 2nd Edition. John Wiley & Sons; 1989.			
	310.	SZPALKSI, M., et al. Spine Arthroplasty: A Historical Review. <i>Eur Spine J</i> . 2002; 11(Suppl. 2): S65-S84.			
	311.	UCR Pedicle Screw System from SenSpine (information available at <a href="http://www.seaspine.com/UCR_Pedicle_Screw_System.html">http://www.seaspine.com/UCR_Pedicle_Screw_System.html</a> ). Accessed December 5, 2005.			
	312.	Vitrex of Lancashire, Great Britain. (information on Vitrex available at <a href="http://www.matweb.com">http://www.matweb.com</a> ). Accessed December 5, 2005.			

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